

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTHONY SCOTT

CIVIL ACTION

v.

COM. PLEAS CT. OF PHILA. CNTY.
MICHAEL CLARK

NO. 16-6327

ORDER

AND NOW, this ^{23rd} day of December, 2016, upon consideration of plaintiff's motion to proceed *in forma pauperis* and his *pro se* complaint, it is ORDERED that:

1. Leave to proceed *in forma pauperis* is GRANTED.

2. Plaintiff Anthony Scott, #HG-2005, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by plaintiff, an initial partial filing fee of \$31.98 is assessed. The Superintendent or other appropriate official at the State Correctional Institution at Albion or at any other prison at which plaintiff may be incarcerated is directed to deduct \$31.98 from plaintiff's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 16-6327. After the initial partial filing fee is collected and until the full filing fee is paid, the Superintendent or other appropriate official at the State Correctional Institution at Albion or at any other prison at which plaintiff may be incarcerated, shall deduct from plaintiff's account, each time that plaintiff's inmate trust fund account exceeds \$10, an amount no greater than 20 percent of the money credited to his account during the preceding month and forward that amount to the Clerk of Court at the address provided above to be credited to Civil Action No. 16-6327.

FILED

DEC 27 2016

LUCY V. CHIN, Interim Clerk
By WMA Dep. Clerk

3. The Clerk of Court is directed to send a copy of this order to the Superintendent of the State Correctional Institution at Albion.

4. The complaint is DISMISSED for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court's Memorandum. Plaintiff may not file an amended complaint in this case. However, his claims are dismissed without prejudice to him proceeding on his pending *habeas* petition or filing a new civil action for damages against an appropriate defendant in the event his convictions and sentence are overturned or otherwise called into question.

5. The Clerk of Court shall CLOSE this case.

BY THE COURT:


JAMES KNOLL GARDNER, J.